

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 202004828	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 06/28/2020 4:00 PM	Location of Incident: Washington Square Park North	Precinct: 06	18 Mo. SOL 12/28/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 07/03/2020 7:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 07/03/2020 7:09 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Pizzimenti	11765	952122	122 PCT
2. Officers			
3. An officer			
4. DT3 Claude Rhone	02593	923031	I.A.B.
5. DT2 Roxana Carranza	05360	937218	I.A.B.
6. POM Joseph Wall	20111	951411	122 PCT
7. LT Gary Giersbach	00000	915792	006 PCT
8. SSA Daniel Houlahan	00821	925472	006 PCT
9. SGT Terrance Smalls	02703	939481	075 PCT
10. SGT Juan Hernandez	03610	949100	007 PCT
11. PO THOMAS FORONJY	00108	963522	007 PCT
12. PO WANDY LOPEZ	18762	958835	007 PCT
13. PO ANTHONY RUGGIERO	25666	937454	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Thomas Manning	01789	930644	MTS PCT
2. SDS Joseph Chabus	02134	925054	I.A.B.
3. DT3 Patrick Jeanpierre	02423	941955	I.A.B.
4. DTS Leroy Bedford	01829	923545	006 PCT
5. POM Stephen Cambria	05589	960309	006 PCT
6. POM Robert Janison	11873	956772	006 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
7. LT Erik Tarnok	00000	947533	006 PCT
8. POF Nora Reade	21675	968701	006 PCT
9. POF Grace Roserotapia	21698	968766	006 PCT
10. POF Kerry Mccarty	20815	966700	006 PCT
11. POM Justin Cristiano	11366	951891	006 PCT
12. POM David James	11580	961834	006 PCT
13. POM Yousef Demes	26487	965039	006 PCT
14. POM Matthew Contant	09703	960391	006 PCT
15. POM Patrick Defonzo	09791	957523	006 PCT
16. LT Paul Jurgens	00000	945863	006 PCT
17. POM Jonathan Dones	27390	948203	006 PCT
18. POM David Medrano	05800	937083	SRG 1
19. CPT Tommy Keung	00000	942001	013 PCT
20. POM Hirwin Presida	11758	965830	007 PCT
21. POM Elvis Rivera	14648	964241	010 PCT
22. SGT Greg Sanfilippo	04210	947705	PBMS
23. POF Wanda Meran	28264	944123	007 PCT
24. DTS Conrad Crump	01153	915525	007 PCT
25. POF Judith James	23599	960721	013 PCT
26. POM Adam Blum	28057	933648	007 PCT
27. POF Denise Sezer	21860	962794	005 PCT
28. POM Matthew Bessen	14934	967774	075 PCT
29. CPT Hector Barias	00000	934455	SRG 1
30. POM Nicholas Virgilio	24819	946379	006 PCT
31. LT Francy Monestime	00000	946018	007 PCT
32. POF Maureen Carey	20116	958370	006 PCT
33. SGT Michael Merritt	4314	942197	007 PCT
34. SGT Stephen Mazzaro	04659	949288	122 PCT
35. CPT Aaron Edwards	00000	932593	007 PCT
36. DI Conor Wynne	00000	937761	017 PCT
37. SGT Kenneth Jefferson	4968	944678	007 PCT
38. POM Kenny Liriano	20964	967961	007 PCT
39. LT Marion Cuevas	00000	941608	007 PCT
40. CPT Christophe Treubig	00000	935869	006 PCT
41. POM Sean Riordan	08739	963716	007 PCT
42. POF Lanayia Soto	31614	946562	F.T.S.
43. POF Caitlin Higgins	20538	952849	GVSD Z1
44. POF Bianca Irwin	02049	965210	006 PCT
45. SGT John Wu	3652	953581	006 PCT
46. POM Hensley Caraballo	21957	962970	MTS PCT
47. POM Victor Lara	25333	930533	MTS PCT
48. POF Mariama Diallo	07690	966029	MTS PCT
49. POF Carolina Lugo	27213	948239	013 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
50. DC Salvatore Comodo	00000	882370	PBMS
51. LSA Robert Corbett	00000	918878	LEG BUR

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B.POM Bryan Pizzimenti	Force: Police Officer Bryan Pizzimenti used physical force against individuals.	
C. Officers	Force: Officers struck individuals with a baton.	
D.POM Bryan Pizzimenti	Force: Police Officer Bryan Pizzimenti struck individuals with a baton.	
E.POM Bryan Pizzimenti	Abuse: Police Officer Bryan Pizzimenti threatened individuals with the use of force.	
F.POM Bryan Pizzimenti	Abuse: Police Officer Bryan Pizzimenti threatened § 87(2)(b) with the use of force.	
G.POM Bryan Pizzimenti	Force: Police Officer Bryan Pizzimenti struck § 87(2)(b) with a baton.	
H.POM Bryan Pizzimenti	Force: Police Officer Bryan Pizzimenti used physical force against § 87(2)(b)	
I.POM Bryan Pizzimenti	Force: Police Officer Bryan Pizzimenti used physical force against § 87(2)(b)	
J.POM Joseph Wall	Force: Police Officer Joseph Wall struck individuals with a baton.	
K.PO ANTHONY RUGGIERO	Force: Police Officer Anthony Ruggiero struck individuals with a baton.	
L.POM Bryan Pizzimenti	Discourtesy: Police Officer Bryan Pizzimenti spoke discourteously to individuals.	
M. Officers	Force: Officers used physical force against § 87(2)(b)	
N. Officers	Force: Officers struck § 87(2)(b) with a baton.	
O.SGT Terrance Smalls	Force: Sergeant Terrance Smalls struck individuals with a baton.	
P.SGT Terrance Smalls	Force: Sergeant Terrance Smalls used physical force against individuals.	
Q.SGT Juan Hernandez	Force: Sergeant Juan Hernandez struck individuals with a baton.	
R.SSA Daniel Houlahan	Force: Sergeant Daniel Houlahan used physical force against individuals.	
S.LT Gary Giersbach	Force: Lieutenant Gary Giersbach used physical force against individuals.	
T.PO THOMAS FORONJY	Force: Police Officer Thomas Foronjy used physical force against individuals.	
U.PO WANDY LOPEZ	Force: Police Officer Wendy Lopez used physical force against individuals.	
V.DT3 Claude Rhone	Force: Detective Claude Rhone used physical force against individuals.	
W.DT2 Roxana Carranza	Force: Detective Roxana Carranza used physical force against individuals.	
X. An officer	Force: An officer struck § 87(2)(b) with a nightstick/asp/baton.	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 29, 2020, § 87(2)(b) filed this complaint on behalf of himself and unidentified individuals online. Additional complaints regarding the same incident were filed by Briana § 87(2)(b) and § 87(2)(b) CCRB cases 202105997 and 202106002 were spun-off from this case.

On June 28, 2020, at approximately 4:00 p.m., people gathered in Washington Square Park after the Reclaim Pride Coalition's Queer Liberation March.

On Washington Square Park North, midway between 5th Avenue and Washington Square Park South, a marked NYPD van, in which officers who had been hit with pepper spray were receiving treatment, was parked facing eastbound. People surrounded the van, and officers, some of whom were holding batons, and PO Bryan Pizzimenti of the 122nd Precinct, pushed through the crowd to get to the van (**Allegations A and B: Force – Physical Force**, § 87(2)(g) **Allegations C and D: Force – Nightstick as Club (incl asp & baton)**, § 87(2)(g) PO Pizzimenti, while holding either end of his baton with both of his hands, ran toward people in the crowd, including § 87(2)(b) who was approaching from the west, and made pushing motions toward them (**Allegations E and F: Abuse of Authority – Threat of Force**, § 87(2)(g) § 87(2)(b) stood directly in front of PO Pizzimenti and, when they refused to get out of the street, PO Pizzimenti pushed § 87(2)(b) back with his baton (**Allegation G: Force -Nightstick as Club (incl asp & baton)**, § 87(2)(g) and then allegedly punched § 87(2)(b) in the chest with his right hand and then, with the same hand, pushed them further back (**Allegations H and I: Force – Physical Force**, § 87(2)(g)).

PO Pizzimenti and other officers (including PO Joseph Wall and PO Anthony Ruggiero, both of the 122nd Precinct, pushed back through § 87(2)(b) toward the van using their hands and batons (**Subsumed under allegations A, B, C, and D; Allegations J and K: Force -Nightstick as Club (incl asp & baton)**, § 87(2)(g) As PO Pizzimenti was pushing through the crowd of people, he yelled, "Get the fuck off me!" (**Allegation L: Discourtesy – Word**, § 87(2)(g)).

Once PO Pizzimenti, PO Wall, PO Ruggiero, and the other officers were through the crowd and at the rear of the van, § 87(2)(b) turned to face the rear of the van and linked arms with the people immediately next to them. Captain Christophe Truebig, of the 6th Precinct, instructed officers to push forward to escort the injured officers out of the area. Officers, some of whom were holding batons, pushed § 87(2)(b) back away from the van with their batons and their hands (**Allegation M: Force – Physical Force**, § 87(2)(g) **Allegation N: Force - Nightstick as Club (incl asp & baton)**, § 87(2)(g) Other officers (**Subsumed under allegations A and C**), including Sgt. Terence Small, of the 75th Precinct (Sgt. Smalls has since been promoted to lieutenant and transferred to the 114th Precinct), (**Allegation O: Force – Nightstick as Club (incl asp & baton)**, § 87(2)(g) **Allegation P: Force – Physical Force**, § 87(2)(g) Sgt. Juan Hernandez, of the 7th Precinct (**Allegation Q: Force – Nightstick as Club (incl asp & baton)**, § 87(2)(g) Sgt. Daniel Houlahan and Lieutenant Gary Giersbach, both of the 6th Precinct, PO Thomas Foronjy and PO Wandy Lopez, both of the 7th Precinct (**Allegations R, S, T, and U: Force – Physical Force**, § 87(2)(g) and Det. Claude Rhone and Det Roxana Carranza, both of IAB (**Allegations V and W: Force – Physical Force**, § 87(2)(g) pushed people away from the van using their batons and hands. At some point while they had their arms linked with the people next to them, an officer allegedly struck § 87(2)(b) in the chest, which resulted in a silver dollar-sized bruise. While § 87(2)(b) could not describe who stuck them or how they were stuck, they assumed that an officer had struck them with the rounded end of a baton because of the shape of the resulting bruise (**Allegation X: Force – Nightstick as Club (incl asp & baton)**, § 87(2)(g)).

Once the officers pushed through the crowd, the van and injured officers were able to clear the location.

Body worn camera footage was obtained from Det. Bedford (**BR 01** and **BR 02**), PO Cambria (**BR 03** and **BR 04**), PO Janison (**BR 05**, **BR 06**, **BR 07**, and **BR 08**), Lieutenant Tarnok (**BR 09** and **BR 10**), PO Reade (**BR 11**, **BR 12**, **BR 13**, and **BR 14**), PO Roserotapia (**BR 15**, **BR 16**, **BR 17**, and **BR 18**), PO McCarty (**BR 19** and **BR 20**), PO Elvis Rivera (**BR 21** and **BR 22**), Captain Keung (**BR 23**, **BR 24**, and **BR 25**), Lieutenant Francy Monestime (**BR 26** and **BR 27**), PO Justin Cristiano (**BR 28** and **BR 29**), PO Wanda Meran (**BR 30**, **31**, and **BR 32**), PO James, (**BR 33** and **BR 34**), PO Yousef Demes (**BR 35** and **BR 36**), Sgt. Smalls (**BR 37** and **BR 38**), PO Matthew Contant (**BR 39**, **BR 40**, and **BR 41**), PO Patrick Defonzo (**BR 42** and **BR 43**), Lieutenant Paul Jurgens (**BR 44**, **BR 45**, and **BR 46**), Lieutenant Giersbach (**BR 47** and **BR 48**), Sgt. Houlahan (**BR 49** and **BR 50**), PO Jonathan Dones (**BR 51**, **BR 52**, and **BR 53**), Sgt. Mazzaro (**BR 54** and **BR 55**), Lieutenant Marion Cuevas (**BR 56** and **BR 57**), and PO David Medrano (**BR 58** and **BR 59**). TARU footage was obtained from stationary cameras at the intersection of Washington Square Park North and 5th Avenue (**BR 60**, **BR 61**, and **BR 62**). Security footage was obtained from NYU (**BR 63**, **BR 64**, **BR 65**, **BR 66**, **BR 67**, **BR 68**, **BR 69**, **BR 70**, **BR 71**, **BR 72**, **BR 73**, **BR 74**, **BR 75**, and **BR 76**). Cell phone footage was obtained from social media (**BR 77**, **BR 78**, **BR 79**, **BR 80**, and **BR 81**). The relevant videos are discussed below.

This case was added to the sensitive case list on July 9, 2020, due to media coverage of the incident (**BR 82** and **BR 83**).

Findings and Recommendations

Allegation (A) Force: Officers used physical force against individuals.

Allegation (B) Force: Police Officer Bryan Pizzimenti used physical force against individuals.

Allegation (C) Force: Officers struck individuals with a baton.

Allegation (D) Force: Police Officer Bryan Pizzimenti struck individuals with a baton.

Allegation (E) Force: Police Officer Bryan Pizzimenti threatened individuals with the use of force.

Allegation (F) Force: Police Officer Bryan Pizzimenti threatened § 87(2)(b) with the use of force.

Allegation (G) Force: Police Officer Bryan Pizzimenti struck § 87(2)(b) with a baton.

Allegation (H) Force: Police Officer Bryan Pizzimenti used physical force against § 87(2)(b).

Allegation (I) Force: Police Officer Bryan Pizzimenti used physical force against § 87(2)(b).

Allegation (J) Force: Police Officer Joseph Wall struck individuals with a baton.

Allegation (K) Force: Police Officer Anthony Ruggiero struck individuals with a baton.

Allegation (L) Discourtesy: Police Officer Bryan Pizzimenti spoke discourteously to individuals.

Allegation (M) Force: Officers used physical force against § 87(2)(b).

Allegation (N) Force: Officers struck § 87(2)(b) with a baton.

Allegation (O) Force: Sergeant Terrance Smalls struck individuals with a baton.

Allegation (P) Force: Sergeant Terrance Smalls used physical force against individuals.

Allegation (Q) Force: Sergeant Juan Hernandez struck individuals with a baton.

Allegation (R) Force: Sergeant Daniel Houlahan used physical force against individuals.

Allegation (S) Force: Lieutenant Gary Giersbach used physical force against individuals.

Allegation (T) Force: Police Officer Thomas Foronjy used physical force against individuals.

Allegation (U) Force: Police Officer Wandy Lopez used physical force against individuals.

Allegation (V) Force: Detective Claude Rhone used physical force against individuals.

Allegation (W) Force: Detective Roxana Carranza used physical force against individuals.

§ 87(2) § 87(2)(b) (BR 91) stated that they followed Sgt. Manning westbound on Washington Square Park North and watched until he cleared the area. § 87(2) § 87(2)(b) then turned back around to walk back to the entrance to the park at the arch. As they approached the arch, they saw two to three police vans parked on the south side of the street with small groups of officers surrounding each van. There were crowds of people surrounding each group of officers yelling for the officers to release whoever was inside of the vans. As they continued to approach the vans, § 87(2) § 87(2)(b) saw PO Pizzimenti, who had been behind the van closest to Washington Square Park West, run from out of a group of people closer to § 87(2) § 87(2)(b). PO Pizzimenti turned back toward the van, with his back toward § 87(2) § 87(2)(b) and started to wave his baton at the crowd of people while also pushing people back away from the van with the baton and with his hands. § 87(2) § 87(2)(b) did not see PO Pizzimenti swing and strike anyone with his baton; he only used it to push people back. However, it appeared to § 87(2) § 87(2)(b) that PO Pizzimenti was randomly pushing people and did not appear to be clearing the area.

§ 87(2) § 87(2)(b) immediately ran in front of PO Pizzimenti with the intention of trying to de-escalate the situation by asking PO Pizzimenti how they could help peacefully disperse the crowd. § 87(2) § 87(2)(b) asked PO Pizzimenti to stop hurting people and, before they could ask anything else, PO Pizzimenti punched § 87(2)(b) in the upper right chest by the collar bone with his right hand. Then, in a swift downward movement with the same arm, PO Pizzimenti used his elbow to push § 87(2) § 87(2)(b) back away from him then used his right hand to push them further back into the

crowd of people. PO Pizzimenti continued pushing other people around § 87(2)(b) in a circular motion, which seemed to § 87(2)(b) counterintuitive to clearing the people from the area.

The group of people behind § 87(2)(b) held them up so they did not fall to the ground. § 87(2)(b) then linked arms with the people immediately next to them, forming a line between the officers and the people behind them so that the other people behind them could leave the area without being subjected to police violence. Almost as soon as they linked arms, PO Pizzimenti, holding either end of his baton in both of his hands, pushed through the line of people. Other officers followed PO Pizzimenti, pushing people away from the van with their hands and arms. Having broken through the line, the officers circled the van and kept their backs to it.

§ 87(2)(b) re-linked arms with people near her and stood by the back of the van. Officers who § 87(2)(b) could not describe then started pushing them and the people immediately next to them back out of the street and toward the sidewalk.

§ 87(2)(b) (BR 85, BR 86, and BR 87), § 87(2)(b) (BR 84), § 87(2)(b) (BR 88 and BR 89), § 87(2)(b) (BR 90), § 87(2)(b) (BR 92), and § 87(2)(b) (BR 93 and BR 94) did not witness this incident. § 87(2)(b) and § 87(2)(b) did not provide statements to the investigation.

PO Pizzimenti (BR 102) stated that he responded to a call for back up at Washington Square Park North and 5th Avenue. Upon arrival, he saw approximately 500 people standing in the middle of the street along with multiple officers. There was a marked police van parked at an angle on Washington Square Park North midway between 5th Avenue and Washington Square Park South in which injured officers were sitting. People in the crowd, however, thought that someone who had been arrested was being held in the van, and they were surrounding the van with arms linked and chanting, “Let them go!” The people were not permitting any of the officers to approach the van and were pushing officers who were trying to approach away with their hands.

PO Pizzimenti was concerned for the safety of the injured officers inside of the van and wanted to gain access to the van so that they could receive medical treatment as quickly as possible, so he immediately approached the crowd of people surrounding the van and asked, “Can I get through, please!” The people in the crowd refused, and PO Pizzimenti said, “I have to get through. There’s an officer in need. Please!” The people surrounding the van still refused to move, so PO Pizzimenti, who could not recall if he had his expandable baton in his hand, pushed through the crowd past approximately 10 to 15 people to get to the van. As he pushed through the crowd, PO Pizzimenti felt people in the crowd grabbing at the equipment on his utility belt, his arms, and his clothing. One of the people was “tugging” on his firearm as if they were trying to pull it out from his utility belt. This person had pulled the firearm partially out of the holster when PO Pizzimenti lifted his arms over his head and then brought them quickly back down toward his waist while yelling, “Get off me!” in order to shake off the people who were grabbing onto him and his firearm. (PO Pizzimenti acknowledged that he might have said, “Get the fuck off me!” when the people were pulling at his equipment).

Once PO Pizzimenti shook the people in the crowd off him, the people in the crowd backed away enough for PO Pizzimenti to walk to the back of the van. PO Pizzimenti denied ever intentionally punching anyone, and he explained that the only reason he made the swift motion with his arms was because he was afraid for his safety because people were not only pulling at his clothing and utility belt, but because someone had partially removed his firearm from its holster.

People in the crowd surrounded PO Pizzimenti and the other officers around him, and they continued to prevent the van from leaving the area. An officer, PO Pizzimenti was not sure who, instructed the officers to form a line and to “push and move forward” so that the van could clear the area. This officer did not provide any further instructions about clearing the area for the van. PO Pizzimenti, who was holding his expandable asp in one hand, pushed people in front on him out of the way with his other hand. Other officers were also using their hands and batons to push people out of the way. PO Pizzimenti denied ever swinging and striking anyone with his baton and did not see any other officers do this; he only saw officers pushing people back with their batons.

Sgt. Houlahan (**BR 101**) stated that he saw a van parked mid-way between Washington Square Park West and 5th Avenue that was surrounded on all sides by people from the crowd preventing it from leaving the area. Sgt. Houlahan approached the van, at which time he learned that there were two officers inside who were being treated for pepper spray exposure. The people in the crowd outside the van were yelling, "Let them go!" Sgt. Houlahan thought that the people must have been confused, thinking that there were civilians in the van instead of injured officers.

Sgt. Houlahan walked around the van with other officers, he could not recall who and was not able to identify them in his body-worn camera, and they formed a perimeter around the van so that they could clear it from the area and get the officers inside medical assistance. Sgt. Houlahan explained to the people surrounding the van that there were only officers inside and let one person from the crowd look inside the van to verify this. Once this person confirmed that there were only officers in the van, they passed this information to the other people in the crowd, who began to disperse. Sgt. Houlahan did not recall ever seeing PO Pizzimenti pushing people in the crowd, nor did he have any independent recollection of officers pushing people with their batons.

Lieutenant Corbett (**BR 98**), Det. Bedford (**BR 95**), Sgt. Manning (**BR 100**), PO Caraballo (**BR 103**), PO Janison (**BR 96**), Captain Barias (**BR 99**), and Captain Keung (**BR 97**) all stated that they did not recall this portion of the incident.

Cell phone footage from social media (**BR 77**, **BR 78**, **BR 79**, **BR 80**, and **BR 81**) captured portions of this incident.

The first video from social media (**BR 81**) begins with approximately five officers, including PO Pizzimenti, walking eastbound on Washington Square Park North toward a crowd of people surrounding a marked police van. At 00:05 seconds, PO Pizzimenti, who is holding his baton in his left hand, walks into the crowd of people and pushes them as he walks toward the van. Additional officers follow PO Pizzimenti, who continues pushing people as he walks forward. At 00:11 seconds, PO Pizzimenti, who is at the back of the van, turns to face the crowd of people he just walked through while holding either end of his baton with both of his hands. PO Pizzimenti then walks forward toward the people in the crowd making pushing motions with his baton, but he does not come into contact with anyone. At 00:15 seconds, PO Pizzimenti walks through the crowd again away from the van while telling people to get out of the street.

At 00:16 seconds, § 87(2) § 87(2)(b) walks westbound on Washington Square Park North and then stands in front of PO Pizzimenti with their back to the van. At 00:19 seconds, PO Pizzimenti yells at § 87(2) § 87(2)(b) "Get out of the street," walks toward § 87(2) § 87(2)(b) holding either end of the baton with both of his hands, and pushes § 87(2) § 87(2)(b) back with the baton. § 87(2) § 87(2)(b) takes approximately one step back into the people in the crowd behind them. Approximately five additional officers, including PO Wall and PO Ruggiero, who are both holding batons, approach where PO Pizzimenti is standing and walk through the crowd toward the van. At 00:43 seconds, officers, some of whom are holding batons, push the people in front of the van with their hands and batons until they are able to clear a path to the back of the van. Once the officers are through, the crowd of people reforms in front of the van.

The second video from social media (**BR 78**) is generally consistent with the first. At 00:12 seconds, PO Pizzimenti, who is holding a baton in his right hand, pushes through a crowd of people eastbound. At 00:13 seconds, PO Pizzimenti pulls his right arm back and yells, "Get the fuck off!" Having pushed through the crowd, PO Pizzimenti stands at the back of the van with Lieutenant Tarnok. At 00:37 seconds, Det. Rhone, who is standing next to Det. Carranza, pushes people back with his hands. At 1:08 minutes, the back of § 87(2) § 87(2)(b)'s head is visible in the frame in front of PO Pizzimenti. At 1:43 minutes, a sergeant pushes forward through the crowd with his hands. At 3:03 minutes, the camera focuses in on PO Wall, who is holding a baton in his hands and is standing next to PO Ruggiero. At 3:45 minutes, Captain Truebig approaches the officers from the east and gestures for them to move westbound. At 4:12 minutes, Captain Truebig says, "Let's go!" and the officers all start to walk westbound.

The third video from social media (**BR 77**) is generally consistent with the prior two. At

00:14 seconds, § 87(2)(b) walks in front of PO Pizzimenti and turns to face him. PO Pizzimenti yells at § 87(2)(b) "Get out of the street," but they remain where they are standing. At 00:18 seconds, PO Pizzimenti, while holding his baton, pushes § 87(2)(b)'s upper chest area with the baton, and they take approximately one to two steps backward into the crowd of people behind them.

The fourth video from social media (**BR 80**) is also consistent with the prior three and captures the incident from the opposite side of the street. At 00:06 seconds, PO Pizzimenti pushes § 87(2)(b) back into the crowd of people, at which time they link arms with other people in the crowd to form a line in front of PO Pizzimenti. At 00:11 seconds, PO Wall and PO Ruggiero approach from behind PO Pizzimenti, and PO Pizzimenti pushes into the crowd of people. PO Wall and PO Ruggiero follow PO Pizzimenti into the crowd toward the van while pushing people back with their hands and batons.

The fifth video from social media (**BR 79**) is generally consistent with the previous three. The footage, filmed from sidewalk on the north side of the street, captures the density of the crowd surrounding the officers and officers pushing forward through the crowd westbound. There appear to be approximately 200 people in the street. Neither § 87(2)(b) nor PO Pizzimenti are captured in this footage. At 00:11 seconds, on the left side of the frame, someone from the crowd throws what appears to be a water bottle toward the officers in the center of the frame.

Body worn camera footage from Sgt. Smalls from the beginning until 6:52 minutes (**BR 37** and **BR 38**), Lieutenant Giersbach from 5:52 minutes until 14:00 minutes (**BR 47** and **BR 48**), and Sgt. Houlahan from 8:42 minutes until 18:45 minutes (**BR 49** and **BR 50**) captures portions of this incident after PO Pizzimenti pushes through the crowd. There is no body-worn camera footage of PO Pizzimenti pushing through the crowd or pushing § 87(2)(b).

In Lieutenant Giersbach's body-worn camera footage, beginning at 5:52 minutes, Lieutenant Giersbach approaches Sgt. Smalls, who is standing on the south side of Washington Square Park North next to a marked NYPD van facing eastbound, and tells Lieutenant Giersbach that there are officers inside the van who were "Maced." At 6:01 minutes, an officer is visible seated inside the van with EMTs attending to him. Approximately 15 to 20 other officers are surrounding the van on all sides. A large crowd of people is surrounding the officers and the van, the closest of whom are within one arm's distance of the van. People in the crowd begin to chant, "Let them go!" Lieutenant Giersbach tells them that no one is being detained in the van. At 7:17 minutes, Lieutenant Giersbach explains to an individual at the back of the van that an officer who was Maced is inside the van receiving treatment. Lieutenant Giersbach escorts this individual to the side of the van so that they can see the injured officer and report to the other people in the crowd that no civilians are in the van. At 8:12 minutes, the individual asks Lieutenant Giersbach, "Why don't you guys just go?" Lieutenant Giersbach responds while gesturing to the crowd surrounding the van, "Go where? Where are we supposed to go?"

At 8:42 minutes, an officer in the center of the frame pushes people toward the sidewalk on the southside of the street with his baton and hands. At 11:50 minutes, Captain Truebig approaches Lieutenant Giersbach, PO Pizzimenti, and other officers at the back of the van and tells them, "They're coming out of the RMP. We're going to walk them out. So, when they come out of the RMP, back 'em. We gotta get them outta here." Lieutenant Giersbach asks, "Who?" Captain Truebig responds, "The injured MOS." Lieutenant Giersbach says, "We're walking through the crowd?" Captain Truebig says, "Yes," and walks toward the door on the side of the van.

At 12:18 minutes, the people at the back of the van closest to the officers form a line and link arms. Lieutenant Giersbach tells the officers, "Watch for the airmail, guys!" At 12:31 minutes, someone from the crowd yells, "Make a chain!" Officers in front of Lieutenant Giersbach start to push people in the crowd forward with their hands and batons. At 13:18 minutes, Lieutenant Giersbach pushes people back with his hands and tells people that he is trying to clear a path for an injured officer. At the same time, PO Foronjy pushes people back toward the north side of the street with his hands until 14:00 minutes, at which time Lieutenant Giersbach has passed through the

majority of the crowd.

Sgt. Smalls' body worn camera footage is generally consistent with that of Lieutenant Giersbach. The footage begins with Sgt. Smalls standing on the south side of Washington Square Park North next to a marked police van. At 00:21 seconds, an officer who is holding either side of a baton with both of his hands pushes people at mid-chest level back toward the sidewalk on the south side of the street away from the van with the baton and his hands. People take one to two steps back but do not stumble or fall. At 2:52 minutes, § 87(2) § 87(2)(b) is visible on the right side of the frame with their arms linked with a line of people stretching from the center of the street to the sidewalk on the south side of the street blocking the van's egress.

At 3:58 minutes, Captain Truebig tells other officers in the area, including Sgt. Smalls, PO Lopez, and Sgt. Hernandez, "Let's go." All of the officers in the area then line up in front of the crowd, the front of which consists of the line of people with linked arms, including § 87(2) § 87(2)(b) who is visible on the right side of the frame. At 4:11 minutes, officers start to push forward, but they are primarily obscured by the back of an officer in front of Sgt. Smalls. Officers verbally instruct people to move back as they push forward, and, at 4:27 minutes, people from the crowd push back against the officers. At 5:22 minutes, water from the left of the frame where people in the crowd are standing hits an individual immediately in front of Sgt. Smalls in the upper chest and neck. Officers, including Sgt. Smalls, continue to push people with their hands and batons until approximately 6:29 minutes, at which time the officers have cleared a path through the crowd of people.

Sgt. Houlahan's body-worn camera footage is also consistent with those of Lieutenant Giersbach and Sgt. Smalls. Sgt. Houlahan's footage begins with Sgt. Houlahan approaching the parked van from the west. At 9:00 minutes, Sgt. Houlahan follows approximately three other officers through the crowd, two of whom are pushing people to the south side of the street with their hands and batons until they get to the back of the van. Sgt. Houlahan walks to the front of the van, where people are seated in the middle of the street preventing the van from moving forward. At 13:46 minutes, § 87(2) § 87(2)(b) is visible on the left of the frame with their arms linked with other people in a line in front of officers. At 15:58 minutes, § 87(2) § 87(2)(b) is again visible in the same location with their arms linked with other people in front of officers. No officers, however, make contact with § 87(2) § 87(2)(b) or the people around her.

At 18:38 minutes, Sgt. Houlahan walks to the front of the van. The people who had been sitting on the ground have left the area, and there is space for the van to drive forward.

It was undisputed that there were injured officers in the marked police van that was parked on Washington Square Park North between Washington Square Park West and 5th Avenue. The van, which was facing eastbound, was surrounded by a densely packed crowd of approximately 200 people, many of whom were within arm's reach of the van, who were refusing to let the van leave the location because they believed there to be civilians inside. PO Pizzimenti, followed by other approximately five other officers, pushed through the crowd while holding his expandable baton in his hand to get to the van to offer assistance, around which there were approximately 20 officers. As he was passing through the crowd, PO Pizzimenti told people who were grabbing at him, "Get the fuck off!" Once through the crowd, PO Pizzimenti, while holding either end of his baton with both of his hands, ran at the people at the back of the van making pushing motions at them to clear the area. § 87(2) § 87(2)(b) approached from the west and stood directly in front of PO Pizzimenti, who told them to move and then pushed them back with his baton. § 87(2) § 87(2)(b) alleged that PO Pizzimenti then punched her and pushed them back again with his hand. However, PO Pizzimenti denied doing this, no officers witnessed this, and there was no video that captured PO Pizzimenti doing this.

§ 87(2) § 87(2)(b) linked arms with the people around them, and PO Pizzimenti and other officers, including PO Wall and PO Ruggiero pushed back through the line to get back to the rear of the van. § 87(2) § 87(2)(b) turned to face the van and re-linked arms with the people around them. At the same time, officers established a perimeter around the van. The officers then tried repeatedly to

deescalate the situation by explaining to people in the crowd that there were no civilians in the van, with Lieutenant Giersbach and Sgt. Houlahan both independently confirming this with members of the crowd. When the people in the crowd continued to refuse to disperse, increased the volume of their chanting, threw water at the officers, most of whom were not wearing helmets, and formed linked lines preventing officers and the van from leaving, Captain Truebig instructed officers to push forward so that they could escort the injured officers westbound out of the area, at which time officers, including Sgt. Smalls, Sgt. Hernandez, Sgt. Houlahan, Lieutenant Giersbach, PO Foronjy, PO Lopez, Det. Rhone, and Det. Carranza, used their batons and hands to clear an exit path toward Washington Square Park West.

Patrol Guide procedure 221-01 (**BR 104**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject's violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 200-02 (**BR 105**) states that the department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect

In DAO-DCT Case Number: 2017-17276 (**BR 106**) the court held that language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent and stressful confrontation.

It was undisputed that PO Pizzimenti told the people in the crowd to "Get the fuck off me!"

§ 87(2)(g)

Allegation (X) Force: An officer struck § 87(2)(b) with a nightstick/asp/baton.

Known facts and general descriptions

Allegation (X):

§ 87(2)(b) (BR 91) stated that at some point after they linked arms with people surrounding the van which contained injured officers, an officer that they could not described pushed them in the chest, the result of which was a circular silver dollar-sized bruise. § 87(2)(b) thought that, because of the shape of the bruise and because there were officers pushing people with batons in the area, that one of the officers had hit them with the rounded circular end of a baton. However, they did not recall when after they linked arms with people this happened, nor did they recall it happening in the moment.

BWC and Cellphone Footage

Allegation X was not captured on any received video footage.

NYPD Documents Reviewed

The investigation obtained desk/unit copies of roll call and detail rosters for the following commands: The 1st Precinct (BR 107), the 9th Precinct (BR 108), the 6th Precinct (BR 109), the 14th Precinct (BR 110), the 122nd Precinct (BR 111), and IAB (BR 112).

Because of incomplete descriptions of the officers involved in this allegation, the investigation was unable to narrow down subject officers based on roll calls and detail rosters.

Concurrent Investigations

There are no ongoing concurrent investigations involving the subject officers pertaining to this case.

Ranking Officers

The highest-ranking officer present for this incident on June 2, 2020, was Deputy Inspector Conor Wynne from the 17th Precinct. However, he was not interviewed as he was not present in the vicinity of these allegations and his statement would not have otherwise affected the dispositions.

Officers Interviewed

Allegation (X):

Det. Bedford, Lieutenant Corbett, PO Caraballo, Captain Barias, Captain Keung, Sgt. Houlahan, Sgt. Manning, PO Pizzimenti, and PO Janison all stated that they did not witness any officer strike an individual matching § 87(2)(b)'s description with the circular end of a baton, nor did they recall ever encountering § 87(2)(b) during the incident, despite viewing images of them on body-worn camera.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) § 87(2)(b) has been a party (**BR 116**).
- PO Foronjy has been a member of service for four years and has been a subject in five CCRB complaints and eight allegations, three of which were substantiated.
 - 202003817 involved a substantiated allegation of abuse of authority – other. The Board recommended Command Discipline A, and there is no NYPD disposition noted.
 - § 87(2)(g)
 - § 87(2)(g)
- Sgt. Hernandez has been a member of service for 11 years and has been a subject in six CCRB complaints and 16 allegations, six of which were substantiated.
 - 201902715 involved substantiated allegations of force, refusal to process a civilian complaint, a retaliatory summons, a stop, a threat of arrest, and a discourtesy – word. The Board recommended Command Discipline B, and the NYPD imposed Command Discipline B. § 87(2)(g)
- Sgt. Smalls has been a member of service for 16 years and has been names as a subject in one CCRB complaint and two allegations, one of which was substantiated.
 - 201603149 involved a substantiated allegation of a stop. The Board recommended Command Discipline A, and the NYPD imposed no penalty. § 87(2)(g)

- PO Lopez has been a member of service for six years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Houlahan has been a member of service for 21 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- Lieutenant Giersbach has been a member of service for 26 years and this is the first CCRB complaint to which he has been a subject.
- PO Ruggiero has been a member of service for 16 years and has been a subject in two CCRB complaints and two allegations, one of which was substantiated.
 - 202004780 involved a substantiated allegation of force. The Board recommended Command Discipline A, and there is no NYPD disposition noted. § 87(2)(g)
- PO Wall has been a member of service for 10 years and has been a subject in two CCRB complaints and four allegations, none of which have been substantiated. § 87(2)(g)
- Det. Rhone has been a member of service for 23 years and has been a subject in three CCRB complaints and five allegations, none of which have been substantiated. § 87(2)(g)
- Det. Carranza has been a member of service for 16 years and this is the first CCRB complaint to which she has been a subject.
- PO Pizzimenti has been a member of service for nine years and has been a subject in two CCRB complaints and two allegations, neither of which was substantiated. PO Pizzimenti's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming injuries to her physical well-being, violations of her constitutional, common law, and statutory rights, and injuries including burning and swelling in the eyes, hands, and forearms as a result of the use of pepper spray, anxiety, and post-traumatic street, and seeking that a jury determine the amount of redress (**BR 117**). There is no 50H hearing scheduled.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 118**).

Squad: 10

Investigator: Maura R. Roche SI Maura R. Roche 10/14/2021
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date